



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00335-99

31 July 2000

CD [REDACTED] MSC USNR
[REDACTED]
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 19 May 2000, a copy of which is attached. The Board also considered your letter dated 28 June 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5730
PERS-911
19 May 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
CDR [REDACTED] C, USNR-[REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 01 May 00
(b) Title 10, U.S. Code, Section 12732
(c) DOD Instruction 1215.7

Encl: (1) BCNR File No. 00335-99 w/service record

1. Per reference (a), enclosure (1) is returned with the recommendation that [REDACTED] petition be denied. [REDACTED] is requesting three retirement points be moved from anniversary year 1986-87 to anniversary year 1985-86 to give him another qualifying year toward retirement.

2. A review of [REDACTED] record reveals that he was commissioned in the U.S. Naval Reserve in July 1980 and served on active duty from July 1982 until June 1985. He then affiliated with the Naval Reserve where he has actively participated to date. [REDACTED] has accrued more than 18 years of qualifying service and may continue his active participation until he reaches 28 years of commissioned service in July 2008.

3. Reference (b) defines the criteria for computation of years of service for retirement eligibility as each one-year period in which a member has been credited with at least 50 retirement points. Reference (c) defines the one-year period as the anniversary year that begins on the date the member entered active service or active status in the Naval Reserve. Accordingly, [REDACTED] anniversary year begins 1 July and ends 30 June each year. During the anniversary year ending 30 June 1986, he earned only 47 points and consequently did not earn a qualifying year of service. The following anniversary year, he earned 73 retirement points and a qualifying year of service. [REDACTED] requesting transfer of three points from

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CDR [REDACTED] MSC, USN [REDACTED]

his anniversary year ending 30 June 1987 to the previous anniversary year to give him one more year of qualifying service. Current statute and policy does not authorize transfer of points earned in one anniversary year to another anniversary year. The net result of granting [REDACTED]'s petition would be that he would become eligible for retirement one year earlier. [REDACTED] still in an active status. He has eight years in which to earn two more years of qualifying service to become retirement eligible before he becomes subject to required attrition. Accordingly, we recommend his petition be denied.

4. My point of contact for further information is [REDACTED]
at [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Captain, U.S. Naval Reserve
Director, Naval Reserve Personnel
Administration Division